

In The Drawings

Figure 2 has been amended by a separate paper, accompanying this Supplemental Amendment, which adds a box bearing the text "LABELING THE CHECK WRITER AS COLLECTABLE IF THE PREDETERMINED CATEGORY IS WITHIN THE PRESET CATEGORY, OTHERWISE LABELING THE CHECK WRITER AS NONCOLLECTABLE." This addition does not constitute new matter as substantially the same language appears in the claims as filed.

Remarks

Claims 1-5 were pending in the application. New claims 6 and 7 have been added by the Amendment filed September 18, 2002. New claim 8 is added by this Supplemental Amendment to claim a portion of Figure 2 which the Examiner has indicated creates a problem with the drawings but the precise nature of which the Examiner has not divulged.

The Examiner mailed a Notice of Non-Responsive Amendment (the Notice) on October 7, 2002, refusing to enter the response filed by Applicants. The Examiner's justification for his refusal to enter Applicants' amendments is that Applicants traversed his drawing objections rather than comply with his demands. Applicants strongly protest this policy.

Applicants, apparently, have only three options: let this application go abandoned and petition for reinstatement, file a petition complaining about the Examiner's objection without suspending the time for response, or capitulate to the Examiner's demands. The first two courses of action necessitate long prosecution delays and increased costs. The second does not guarantee that the case will not go abandoned. Solely in an effort to expedite prosecution, Figure 2 has been amended.

In the Office Action dated July 19, 2002, the Examiner objected to the drawings as failing to comply with 37 C.F.R. § 1.83(a). The Examiner's only explanation was on page 2, as follows:

Note, claims 1 and 4 do not claim any storing feature. Claims 2 and 5 claim labeling features.

The Examiner's explanation accompanying the Notice is even more cryptic. The Examiner's entire discussion of the figures themselves is contained on pages 2-3 as follows:

After careful review of the drawings figures 1-3, numerous claimed feature from claims 1-5 are not contained in the drawings. The Examiner respectfully requests Applicants to show in flow chart form the claimed method steps. It is noted that the Examiner's observations regarding claims 1 and 4 and the features contained therein has been interpreted in such a manner. The examiner is cognizant that each feature illustrated need not be claimed. However, Applicant is fully within the law in not illustrating features that are not claimed if not required for an understanding of the invention.

What are these numerous features? The Examiner does not say. What method steps are lacking? Again, the Examiner does not say. Even more perplexing is the last sentence. Is the Examiner implying that Applicants have left some important element out of some claim? If so, the Examiner should issue a rejection under § 112. If this is not what the Examiner means, the Examiner should clearly indicate to what feature(s) he is referring and why they must be shown in order to understand the invention. Otherwise, Applicants must guess at some course of action to prevent abandonment.

Returning to the Examiner's original rejection, the Examiner appears to indicate two distinct problems. Considering first the second sentence, the Examiner appears to be implying that none of the drawings show labeling features. Dependent claim 2 is a method claim providing for labeling the check writer as collectable or non-collectable based on whether or not the pre-determined category within which the check writer is classified is within a preset category. Dependent claim 5 is a system claim providing a mechanism for such labeling. The specification provides the following description (pages 7-8):

Microprocessor 14 then removes the check writer information from negative file 18, if the predetermined category within which the check writer is classified is within the preset category. If the predetermined category within which the check writer is classified differs from the preset category, then microprocessor 14 retains the check writer information in negative file 18. Microprocessor 14 may retain the information by identification data, *e.g.*, name, social security number, drivers license number or any other suitable data used to identify the check writer. For example, if the check writer information has a risk score that falls within 101-400, microprocessor 14 labels the check writer as a collectible customer, then the check writer

information is removed from negative file 18. Negative file 18, having removed and retained information, may then be saved as scrubbed file 20. Being removed from negative file 18, the check writer information will not be found within a merchant accesses scrubbed file 20. Thus, the respective check writer will more than likely be approved by the merchant. Otherwise, the respective check writer information would have been accessed from scrubbed file 20 with the respective identification data, more than likely resulting in a denial to the check writer.

On the contrary, for example, if the check writer information has a risk score that falls between 0-100, microprocessor 14 labels the check writer as a non-collectible customer, then the information of the check writer is retained within scrubbed file 20. As a result, when a merchant accesses a scrubbed distributed negative file, the check writer information will be accessed, more than likely resulting in a denial to the check writer.

Microprocessor 14, negative file 18 and scrubbed file 20 are all illustrated in Figure 1. Despite Applicants' belief that the drawings as filed are sufficient, Figure 2 has been modified to include a labeling step.

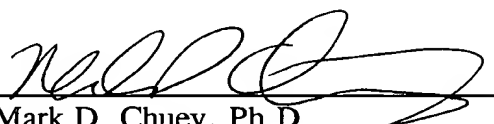
The Examiner's first sentence states "claims 1 and 4 do not claim any storing feature." The explanation in the Notice does nothing to decrypt this text. Is the Examiner stating that, since claims 1 and 4 do not claim a storing feature, no such feature can be shown in a drawing? This cannot be correct, since even the Examiner agrees that "each feature illustrated need not be claimed." Further, the language of claims 1 and 4 substantially match the language of Figure 2, so there appears to be nothing claimed in claims 1 and 4 that is not in the figures. Applicants are perplexed.

In conclusion, Applicants have made every effort to comply with the Examiner's drawing demands, to the extent that the Examiner has been able to communicate those demands. Applicants believe it would be most inappropriate for the Examiner to abandon this application based on Applicants' failure to comply with drawing change demands that the Examiner has failed to specifically articulate.

Applicants believe claims 1-8 meet all substantive requirements for patentability. Applicants therefore respectfully request allowance of this application. No fee is believed to be due by filing this paper. However, any such fee may be withdrawn from Deposit Account No. 02-3978 as specified in the Application Transmittal.

The undersigned requests a telephonic interview with the Examiner and his supervisor in the event that the Examiner continues to refuse entry of the response and this supplemental response to the Office Action.

Respectfully submitted for
Cassandra J. Mollett et al.

By 
Mark D. Chuey, Ph.D.
Reg. No. 42,415
Attorney/Agent for Applicant

Date: October 18, 2002

BROOKS & KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075
Phone: 248-358-4400
Fax: 248-358-3351